

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

KESTREL HOLDINGS I, L.L.C.,

Plaintiff,

v.

LEARJET INC. and BOMBARDIER INC.,

Defendants.

MBD #

04 MBD 10068

**MOTION TO COMPEL DISCOVERY**

Plaintiff Kestrel Holdings I, L.L.C., through counsel and pursuant to Fed. R. Civ. P. 37(a), respectfully moves this Court for an Order compelling Thomas Eagar to produce, with fourteen (14) days, all documents requested in the subpoena duces tecum issued to him in this jurisdiction and for the reasonable attorneys' fees and expenses incurred by Plaintiff related to serving his subpoena and this Motion. Further, under Fed. R. Civ. P. 45(e), Plaintiff respectfully moves for an Order holding Mr. Eagar and/or his attorneys in contempt for his failure to obey the subpoena without adequate excuse. In support of this Motion, Plaintiff refers the Court to its Memorandum in Support filed contemporaneous herewith.

Pursuant to Fed. R. Civ. P. 37(a)(2), Local Rule 7.1(a)(2), and as evidenced by the correspondence and documents attached to the accompanying Memorandum in Support, Plaintiff certifies that it has in good faith conferred or attempted to confer with Thomas Eagar, through his counsel, in an effort to secure the documents requested in Mr. Eagar's subpoena without Court action.

Pursuant to Local Rule 7.1(d), Plaintiff hereby requests a hearing for the purposes of oral argument on this motion.

WHEREFORE, for the reasons stated in this Motion and Memorandum in Support, Plaintiff respectfully requests this Court enter an appropriate Order requiring Thomas Eagar to promptly produce all documents requested in the subpoena issued to him by Plaintiff; to further require Mr. Eagar and/or his attorneys to pay Plaintiff its reasonable attorneys' fees and expenses related to serving the subpoena and this Motion; and to further hold Mr. Eagar and/or his attorneys in contempt for his failure to obey the subpoena without adequate excuse.

Respectfully submitted,

DWYER & COLLORA, LLP



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**CERTIFICATE OF SERVICE**

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I hereby certify that I caused copies of the above and foregoing to be served upon the persons listed above by prepaid Federal Express, overnight delivery, on March 3, 2004.



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Nicholas J. Walsh